IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.287 OF 2003

IN

SUMMARY SUIT NO.3809 OF 2002

Madhusudan Shrikrishna. .. **Plaintiff.**

v/s.

1) M/s.Emkay Exports & Ors. .. **Defendants.**

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Shri N.D.Jaywant, advocate for the plaintiff.

Shri R.P.Tripathi, advocate for the defendants.

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CORAM: D.G.DESHPANDE, J.

DATE : 5TH OCTOBER, 2004

P.C. :-

1. Heard the advocate for the plaintiff. Advocate for the defendants seeks time to file reply. Summons for Judgment is served long back. Prayer for time to file reply is rejected. Suit is for recovery of price of goods sold and supplied. The defendants have issued cheques copies of which are filed. All the cheques are dishonoured. Therefore, this is a case of admitted liability. No other defence is raised. However, the plaintiff has charged interest at the rate of 30% per annum on the principal amount of Rs.2,81,722/-. Therefore, conditional leave to defend is granted to the

defendants on depositing Rs.2,81,722/- within 6 weeks from today. Suit be transferred to the commercial causes. Written statement to be filed within a period of eight weeks from today. Affidavit of documents within a period of two weeks thereafter. And thereafter suit to be placed on regular board for necessary directions. Summons for Judgment is disposed of accordingly.

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